

SENATE BILL REPORT

SB 6172

As of April 18, 2007

Title: An act relating to reducing offender recidivism by increasing access and coordination of offender services in communities.

Brief Description: Changing provisions affecting offenders who are leaving confinement.

Sponsors: Senators Carrell, Regala, Hargrove and Kohl-Welles.

Brief History:

Committee Activity:

Brief Summary of Bill

- Existing law is changed and new provisions are added that impact offenders returning to the community from confinement in the following areas: work release, supervision, educational programming, employment barriers, housing, and civil rights.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

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Background: According to the Department of Corrections (DOC), approximately 8,500 offenders return to the community from Washington prisons each year after completing their sentences and over 25,900 offenders are currently on active supervision in the community. Research from the Washington State Institute of Public Policy (WSIPP) shows that approximately 54 percent of these offenders will commit a new felony within 13 years. Further, the Washington Caseload Forecast Council estimates that under existing policies, Washington's incarceration rate will increase 23 percent by the year 2019.

In 2005, the Legislature directed WSIPP to report, by October 2006, whether evidence-based and cost-beneficial policy options exist to alleviate the need to build more prisons. WSIPP concluded that several programs directed to adult offenders can have a positive impact on recidivism and produce significant cost savings for the state of Washington (see Steve Aos, Marna Miller, and Elizabeth Drake (2006). *Evidence-Based Public Policy Options to Reduce Future Prison Constructions, Criminal Justice Costs, and Crime Rates*. Olympia: Washington State Institute for Public Policy).

The 2006 Legislature created the Joint Task Force on Offenders Programs, Sentencing, and Supervision (SSB 6308). The legislation required the Task Force to review offender

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programs, sentencing, and supervision of offenders upon reentry into the community with the stated goals of increasing public safety, maximizing rehabilitation of offenders, and lowering recidivism. The Task Force made many recommendations, several of which are incorporated in this bill.

Summary of Bill: PART I - Community Transition Coordination Networks: Each county or group of counties are required to conduct an evaluation of the services available in the county or region to assist offenders in reentering the community and present its assessment to the policy advisory committee no later than January 1, 2008.

A community transition coordination network program (CTCN) is created within the Department of Community, Trade and Economic Development (CTED). The CTCN program is a pilot project to be conducted in up to four counties for a period of four years and is limited to offenders under county or city misdemeanor probation.

CTED must invite counties or groups of counties to apply for grant funds to facilitate partnerships between supervision and service providers. Among other components, it is anticipated that a county or group of counties wishing to implement a network will collaborate with DOC, address methods to identify offenders' needs, and connect the offender with needed resources and services that support successful transition.

Counties receiving grant funds must work with WSIPP to establish data tracking mechanisms and conduct an evaluation at the completion of the pilot program. CTED must convene a policy advisory group to receive status reports on the implementation of the networks and review annual evaluations. The grant program expires June 30, 2013.

The purpose of local law and justice councils is expanded to include the review of issues related to mechanisms for communication of information about offenders and partnerships between the department and local community policing and supervision programs.

PART II - Liability: The state, local government or its employees are not liable for acts or omissions in providing supervision services, including assessment and services associated with an individual reentry plan, unless the act or omission constitutes gross negligence.

PART III - Individual Reentry Plan: DOC is required to develop an individual reentry plan for every offender committed to the jurisdiction of the department.

An individual reentry plan is the result of a comprehensive assessment of an offender initiated at the time the offender enters the criminal justice system. The plan should address both the risks and needs of the offender and describe actions needed to prepare an individual for release, define terms and conditions of release, and address the supervision and services needed in the community.

PART IV - Partial Confinement and Supervision: WSIPP is required to conduct an analysis of reentry and work release programs to identify evidence-based practices for the state of Washington. The institute should identify optimal services or combination of services to be provided to offenders reentering the community through work release programs. DOC is, in turn, required to review its policies to transform its work release facilities into effective residential reentry centers.

DOC must continue to establish Community Justice Centers (CJC) throughout the state. In addition to the six existing facilities, three more facilities must be added by December 1, 2011. DOC must notify the county and/or city prior to locating a new CJC in the community. DOC must make efforts to enter into memoranda of understanding or agreements with the local community policing and supervision programs to address efficiencies in sharing space or resources, mechanisms of communication, and partnerships between police and corrections officers in conducting supervision.

DOC must prepare a list of counties in which work release facilities and CJCs are anticipated to be located within the next three years and transmit the list to OFM and the counties on the list.

In order to qualify for 50 percent earned release an offender must participate in programming and must not have committed a new felony while under supervision. If the department denies transfer to community custody in lieu of earned early release, the department may transfer an offender to partial confinement in lieu of earned early release for up to three months.

If an offender has not completed his or her maximum term of total confinement and commits a third violation of any condition of community custody, the department shall return the offender to total confinement in a state correctional facility to serve up to the remaining portion of his or her sentence. The department may choose not to return the offender to prison if it determines that returning the offender would interfere with the offender's rehabilitation and reintegration into the community.

An offender who is sentenced on or after the effective date and who is returned to prison to complete the remainder of his or her sentence is subject to twelve months community supervision after release. An offender who is arrested while on community custody for a new felony offense must be held in total confinement until a DOC hearing on the violation or until being formally charged by the prosecutor, whichever is earlier. An offender sanctioned to total confinement must serve the entire sanction in total confinement.

DOC must review laws and policy regarding the supervision of offenders through the DOC. The Sentencing Guidelines Commission must review state sentencing laws and policies in order to simplify supervision requirements.

PART V - Education: DOC is to fund basic academic skills through obtaining a high school diploma or its equivalent; achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release; and additional work and education programs necessary for compliance with an offender's individual reentry plan (except post-secondary education).

Other appropriate vocational, work or education programming that does not meet the above requirements must be paid by the inmate according to a sliding scale formula.

A third party may pay all or a portion of the costs and tuition for any programming. Payments for this purpose must not be subject to any of the deductions as provided in RCW 72.09.

A postsecondary education degree program is created. An inmate must pay for the program by paying for the program themselves, receiving funding from a third party, or by obtaining a loan from the department. DOC must establish a process for awarding loans to the extent

that funds are appropriated or donated for that purpose. The inmate must repay the loan beginning two years after release. The loan does not accrue interest. Money collected is reinvested in the loan program.

DOC and the State Board for Community and Technical Colleges must investigate and review methods to optimize educational and vocational programming opportunities for offenders. DOC and the State Board must report to the Governor and the Legislature no later than November 15, 2007.

WSIPP must conduct a comprehensive analysis and evaluation of evidence-based correctional education programs and the extent to which Washington's programs are in accord with these practices. The Institute must report to the Governor and the Legislature no later than November 1, 2007.

PART VI - Employment Barriers: A business and occupation tax credit or utility tax credit is allowed for employers who hire previously incarcerated individuals and meet certain criteria. The credit is \$1,000 per qualifying employee who worked at least 780 hours in the first year of employment.

The Department of Licensing and DOC must enter into an agreement to assist offenders in obtaining driver's licenses. The Department of Licensing must also convene a work group to review and recommend changes to occupational licensing laws and policies to encourage the employment of individuals with criminal convictions while ensuring the safety of the public.

PART VII - Housing: A landlord who rents to an offender is not liable for civil damages arising from the criminal conduct of the tenant if the landlord discloses to residents that he or she has a policy of renting to offenders.

Housing authorities are encouraged to formulate policies that are not unduly burdensome to previously incarcerated individuals.

The Offender Reentry Transitional Housing Assistance Program is created in CTED. DOC is required to cooperate with CTED in determining an appropriate formula for the distribution of funds and developing rules, requirements and procedures for operation of the program. DOC is required to cooperate with organizations receiving grant funds to identify appropriate housing solutions, facilitate an offender's application for housing and assist the offender in accessing appropriate services.

An offender may obtain the release of funds from his or her inmate savings account prior to discharge for the purpose of securing appropriate housing.

PART VIII - Restoration of Civil Rights: A convicted felon's right to vote is provisionally restored once he or she is no longer under the authority of DOC (no longer confined and no longer under supervision). The sentencing court may revoke the provisional restoration of voting rights if the person willfully fails to comply with the terms of his or her legal financial obligations.

PART IX - Oversight Committee: A Legislative Corrections Oversight Committee is created to monitor activities of DOC and ensure compliance with relevant statutes, laws, and policies. Among other duties, the committee may request and receive reports regarding implementation

of the recommendations of the joint task force on offenders programs, sentencing and supervision as well as the provisions of this act, and monitor coordination and collaboration between local government and the department.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.